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Attorneys for The Roman Catholic Archbishop of San Francisco

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re	Case No. 23-30564
THE ROMAN CATHOLIC ARCHBISHOP OF SAN FRANCISCO,	Chapter 11
Debtor and Debtor in Possession.	Date: April 10, 2025
	Time: 1:30 p.m.
	Location: Via ZoomGov
	Judge: Hon. Dennis Montali

**SECOND INTERIM APPLICATION OF BLANK ROME, LLP FOR ALLOWANCE OF
FEES AND REIMBURSEMENT OF EXPENSES AS SPECIAL INSURANCE COUNSEL
FOR THE DEBTOR IN POSSESSION**

1 Blank Rome, LLP (hereinafter “BR”), special insurance counsel for The Roman Catholic
2 Archbishop of San Francisco, the debtor and debtor in possession (the “RCASF” or the “Debtor”),
3 submits this application (the “Application”) for second interim allowance of fees and
4 reimbursement of expenses for the four-month period of October 1, 2024 through and including
5 January 31, 2025 (the “Application Period”) as set forth in the Request for Relief below. In support
6 of this Application, BR relies on this Application, the *Declaration of Barron L. Weinstein*
7 (“Weinstein Dec.”) filed in support of this Application, the *Declaration of Fr. Patrick Summerhays*
8 (“Summerhays Dec.”) in support of this Application, the pleadings and papers on file in this case,
9 and on such other evidence and argument as may be submitted before or during the hearing on this
10 Application.

I.

RELIEF REQUESTED

13 Through this Application, BR requests an Order:

14 1. Approving on an interim basis BR's fees in the amount of \$125,518.50 and
15 reimbursement of expenses in the amount of \$1,932.11 for a total of \$127,450.61 incurred from
16 October 1, 2024 through and including January 31, 2025.

17 2. Authorizing payment to BR by the Debtor of the unpaid balance of the allowed fees
18 and expenses; and

19 ||| 3. For such other relief as the Court deems just and proper.

II.

BACKGROUND FACTS

22 On August 21, 2023, the Debtor filed a voluntary Chapter 11 Bankruptcy Petition (“Petition
23 Date”). The Debtor remains in possession of its estate, no trustee having been appointed. The
24 Debtor is operating and managing its business as a debtor in possession pursuant to the provisions
25 of Sections 1107 and 1108 of the Bankruptcy Code. On September 1, 2023, the Office of the
26 United States Trustee appointed an Official Committee of Unsecured Creditors (the “Committee”)
27 [ECF No. 58].

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1 A description of the Debtor's history, business operations, operational structure, the
2 reasons for commencing the Chapter 11 Case, the relief sought from the Court, and the facts and
3 circumstances supporting this Application are set forth in the *Declaration of Joseph J. Passarello*
4 *in support of Chapter 11 Petition and First Day Motions* filed on August 21, 2023, at ECF No. 14
5 ("Passarello Background Dec."), and the *Declaration of Paul E. Gaspari in Support of Chapter 11*
6 *Petition and First Day Motions* filed on August 21, 2023 at ECF No. 15 ("Gaspari Dec.").

7 On August 20, 2024, the Court entered its order granting the Debtor's application to employ
8 BR as special insurance counsel, effective as of July 1, 2024 [ECF No. 815]. BR is skilled in
9 complex insurance disputes, including insurance coverage disputes and litigation against insurance
10 carriers and brokers in state and federal courts. Mr. Weinstein, now a part of Blank Rome, was
11 originally engaged as part of his former firm Weinstein & Numbers in 2019 for insurance issues
12 related to the current abuse claims litigation and has been working with the RCASF regarding its
13 insurance coverage for abuse claims since 2004. W&N, through its partner Barron L. Weinstein,
14 assisted RCASF in negotiating settlements of all the claims with funds that included funds from
15 RCASF's insurance carriers. The current lawsuits arise from another legislatively created window
16 in which the statute of limitations was tolled for three years from 2019 through 2022. The current
17 claims span the same time periods as involved in the 2004 claims and involve the same insurance
18 carriers. Accordingly, Mr. Weinstein, now at BR, has had extensive experience negotiating
19 settlements of abuse claims with the same carriers as are involved with the present claims. As a
20 result of his prepetition representation of the RCASF, Mr. Weinstein has acquired in-depth
21 knowledge of the Debtor's insurance coverage, which will be a key issue in the Bankruptcy Case.
22 In addition, Mr. Weinstein has substantial experience in diocesan cases, and represents at least two
23 other dioceses in chapter 11 cases.

III.

STATUS OF CASE

26 To avoid unnecessary duplication, the case status is set forth in the *Fourth Interim*
27 *Application of Felderstein Fitzgerald Willoughby Pascuzzi & Rios LLP for Allowance of Fees and*
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1 *Reimbursement of Expenses as Counsel for Debtor in Possession* and incorporated herein by this
2 reference.

3 **IV.**

4 **SERVICES RENDERED**

5 The services performed by BR in this case have been categorized into task billing
6 categories. Detailed billing statements reflecting BR's time records and out of pocket expenses,
7 including a summary of the aggregate and itemized hours and total compensation requested with
8 respect to the professionals who provided compensable services are attached to the Weinstein Dec.
9 as ***Exhibit A***. The billing statements are organized by task, and the content of the billings included
10 in each task is generally explained in Paragraph 5 of the Weinstein Dec. and below.

11 Attached to the Weinstein Dec. as ***Exhibit B*** is a summary of customary and comparable
12 compensation provided by BR describing the blended hourly rates of the various categories of
13 timekeepers that provided services to the Debtor during the Application Period. The summary
14 gives defined terms used in this exhibit the same meanings ascribed to them in ¶ C.3 of the UST
15 Guidelines.

16 Attached to the Weinstein Dec. as ***Exhibit C*** is a copy of the "Attorney Fee Budget" agreed
17 upon by and between the Debtor and BR. This exhibit also includes a comparison of budgeted to
18 actual fees sought during the Application Period. Weinstein is not submitting a detailed staffing
19 plan or summary of fees and hours budgeted compared to fees and hours billed for each project
20 category as this information is privileged and confidential.

21 A listing of the billing task categories showing the number of professional hours expended
22 and fees incurred under each billing task category is shown below:

CATEGORY	HOURS	FEES
(01) Asset Analysis and Recovery (Insurance Proceeds)	30.00	\$15,445.50
(02) Bankruptcy Procedure	3.60	\$2,778.00
(05) Fee Applications	3.30	\$1,275.00
(06) Litigation (Analysis of Coordinated Abuse Claims for Available Insurance Coverage)	23.40	\$8,549.50

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CATEGORY	HOURS	FEES
(07) Mediation	104.80	\$80,756.90
(08) Motion Practice	3.50	\$2,870.00
(10) Recovery of Defense Costs from Carriers	3.40	\$1,853.20
(93) Discovery	22.20	\$11,990.40
Totals	194.20	\$125,518.50

A substantial majority of BR's services during the Application Period were related to the ongoing mediation. BR has attended mediation sessions with the Debtor and helped the Debtor with significant insurance issues at mediation. These services have been critical, as it is anticipated that the mediation will form the basis for a plan. Below is a general description of the work performed in each task category.

A. Asset Analysis and Recovery. Based on BR's use of task billing codes and its review of the billing statements before the Court, BR has spent approximately 30.00 hours in the Asset Analysis and Recovery (Insurance Proceeds) category for a total charge of \$15,445.50, which includes but is not limited to continued efforts to locate archival insurance documents and evaluate the potential coverage.

A breakdown of the professionals who billed time to Asset Analysis and Recovery and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Barry Weinstein	\$675	1.60	\$1,080.00
Barry Weinstein	\$820	3.90	\$3,198.00
Kevin Cifarelli	\$450	22.60	\$10,170.00
Kevin Cifarelli	\$525	1.90	\$997.50
Totals		30.00	\$15,445.50

B. Bankruptcy Procedure. Based on BR's use of task billing codes and its review of the billing statements before the Court, BR has spent approximately 3.60 hours in the Bankruptcy Procedure category for a total charge of \$2,778.00, which includes analysis and review of pleadings.

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1 A breakdown of the professionals who billed time to Discovery and the number of hours
2 billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Barry Weinstein	\$675	1.20	\$810.00
Barry Weinstein	\$820	2.40	\$1,968.00
Totals		3.60	\$2,778.00

7 C. Fee Applications. Based on BR's use of task billing codes and its review of the
8 billing statements before the Court, BR has spent approximately 3.30 hours in the Fee Application
9 category for a total charge of \$1,275.00. The services performed in this category generally include
10 but are not limited to preparation of BR's monthly fee statements and interim fee applications.

Professional	Hourly Rate	Hours Billed	Total
Barry Weinstein	\$675	0.80	\$540.00
Kevin Cifarelli	\$450	0.50	\$225.00
Chuck Yeo	\$255	2.00	\$510.00
Totals		3.30	\$1,275.00

16 D. Litigation (Analysis of Coordinated Abuse Claims for Available Insurance
17 Coverage): Based on BR's use of task billing codes and its review of the billing statements before
18 the Court, BR has spent approximately 23.40 hours in the Litigation category for a total charge of
19 \$8,549.50. The services provided in this category include the review of each abuse claim to
20 determine which insurance policies might apply, preparation of correspondence tendering each
21 claim to each carrier with potential coverage, maintaining charts of all tenders and responses,
22 maintaining charts of identifying information for each abuse claim as necessary to pursue coverage,
23 conferencing with insurance adjusters and coverage counsel to address questions and requests for
24 information, and collaborating with defense and bankruptcy counsel to coordinate the insurance
25 coverage issues with ongoing defense and bankruptcy issues.

Professional	Hourly Rate	Hours Billed	Total
Kevin Cifarelli	\$450	0.10	\$45.00
Brian Carolus	\$340	19.90	\$6,766.00

Professional	Hourly Rate	Hours Billed	Total
Chuck Yeo	\$255	1.90	\$484.50
Jeffery Schulman	\$836	1.50	\$1,254.00
Totals		23.40	\$8,549.50

E. Mediation. Based on BR's use of task billing codes and its review of the billing statements before the Court, BR has spent approximately 104.80 hours in the Mediation category for a total charge of \$80,756.90, which includes but is not limited to participation in mediation sessions, review of correspondence regarding mediation strategy, prepare correspondence regarding mediation, attend Zoom meeting regarding issues of mediation and overall strategy with counsel and client, and telephone conferences regarding mediation.

Professional	Hourly Rate	Hours Billed	Total
Barry Weinstein	\$675	25.60	\$17,280.00
Barry Weinstein	\$820	31.70	\$25,994.00
Kevin Cifarelli	\$450	4.40	\$1,980.00
Kevin Cifarelli	\$525	1.70	\$892.50
Jeffery Schulman	\$836	41.40	\$34,610.40
Totals		104.80	\$80,756.90

F. Motion Practice. Based on BR's use of task billing codes and its review of the billing statements before the Court, BR has spent approximately 3.50 hours in the Motion Practice category for a total charge of \$2,870.00, which includes but not limited to attending Zoom meetings with counsel and client to discuss hearing on pending motions, reviewing pleadings and filing notes to prepare for hearings, attending hearings via Zoom, reviewing pleadings regarding state court coverage action, and telephone conference with counsel regarding same.

Professional	Hourly Rate	Hours Billed	Total
Barry Weinstein	\$820	3.50	\$2,870.00
Totals		3.50	\$2,870.00

G. Recovery of Defense Costs. Based on BR's use of task billing codes and its review of the billing statements before the Court, BR has spent approximately 3.40 hours in the Recovery

1 of Defense Costs category for a total charge of \$1,853.20, which includes but not limited to review
2 defense counsel's invoices and preparation of correspondence to insurance carriers demanding
3 reimbursement pursuant to duty to defend; review and preparation of correspondence with defense
4 counsel regarding their invoices for submission to carriers; and review and analysis of invoices to
5 track status of reimbursement.

Professional	Hourly Rate	Hours Billed	Total
Barry Weinstein	\$675	0.80	\$540.00
Kevin Cifarelli	\$450	2.20	\$990.00
Robyn Michaelson	\$808	0.40	\$323.20
Totals		3.40	\$1,853.20

11 H. Discovery. Based on BR's use of task billing codes and its review of the billing
12 statements before the Court, BR has spent approximately 22.20 hours in the Discovery category for
13 a total charge of \$11,990.40, which includes but not limited to correspondence and production of
14 requested documents.

Professional	Hourly Rate	Hours Billed	Total
Barry Weinstein	\$675	4.50	\$3,037.50
Barry Weinstein	\$820	0.50	\$410.00
Kevin Cifarelli	\$450	12.30	\$5,535.00
Kevin Cifarelli	\$525	3.50	\$1,837.50
Jeffery Schulman	\$836	1.40	\$1,170.40
Totals		22.20	\$11,990.40

22 V.

23 **RESPONSIBLE PERSONNEL**

24 The professionals assigned to this chapter 11 case who performed more than five (5) hours
25 of service are as follows:

26 Barron L. Weinstein (BLW) is Of Counsel charged with the overall responsibility for this
27 case. Mr. Weinstein's billing rate during the period covered by this Application was \$675 and \$820
28 per hour. Mr. Weinstein obtained his J.D. degree in 1975 from The University of California,

1 Hastings College of the Law. He is a fellow in the American College of Coverage Counsel. He
2 also has been rated “AV Preeminent” by Martindale-Hubbell for 35 years and has been selected for
3 inclusion in the Northern California Super Lawyers list in the field of insurance coverage each year
4 since 2010. In 2016, he was selected for the 2016 Super Lawyers’ list of Top 100 Lawyers in
5 Northern California for all areas of practice. Other attorneys and paralegals, also specializing in
6 complex insurance coverage disputes, are identified in BR’s employment application at ECF. No.
7 776.

8 Jeffrey L. Schulman (JLS) is a partner who serves as special insurance counsel for the
9 Debtor. Mr. Schulman’s billing rate during the period covered by this Application was \$836 per
10 hour. Mr. Schulman obtained his J.D. degree from Brooklyn Law School. Jeffrey is ranked in
11 Chambers USA and recognized by *The Legal 500*. He was named a Northeast Trailblazer by *The*
12 *American Lawyer* as an attorney that “moved the needle in the legal industry.” He was also named
13 a Litigation Trailblazer by *The National Law Journal*, which spotlights professionals who are
14 agents of change in their respective practice areas. The editor wrote that Jeffrey’s “representation
15 of insureds set him apart as a leader in litigation.”

16 Kevin L. Cifarelli (KLC) is an associate assisting Mr. Weinstein in performing all of the
17 above-described services related to claims for coverage under the Debtor’s insurance programs.
18 Mr. Cifarelli was formerly a litigation partner at the San Francisco firm Hinshaw & Culbertson
19 retained by various insurance carriers to defend malpractice and other tort cases. Mr. Cifarelli’s
20 billing rate during the period covered by this Application was \$450 and \$525 per hour. Mr. Cifarelli
21 obtained his J.D. degree in 1997 from Golden Gate University School of Law.

22 Brian S. Carolus (BSC) is a Certified Paralegal assisting Mr. Weinstein in reviewing,
23 organizing and charting voluminous documentation regarding the claims against the Debtor and
24 the Debtor’s insurance policies and correspondence. Mr. Carolus’ billing rate during the period
25 covered by this application was \$340 per hour. He obtained his Paralegal Certification at University
26 of California, Los Angeles’ Paralegal Training Program in 2015.

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2 VI.
34 SUMMARY OF FEES AND EXPENSES
56 Detailed billing statements reflecting BR's time records and out of pocket expenses filed as
7 **Exhibit A** to the Weinstein Dec. in support of this Application reflects total fees in the amount of
8 \$125,518.50 and expenses in the amount of \$1,932.11 for a total of \$127,450.61, incurred during
9 the Application Period.
10

Professional	Hourly Rate	Hours Billed	Total
Barry Weinstein	\$675	34.50	\$23,287.50
Barry Weinstein	\$820	42.00	\$34,440.00
Kevin Cifarelli	\$450	42.10	\$18,945.00
Kevin Cifarelli	\$525	7.10	\$3,727.50
Jeffery Schulman	\$836	44.30	\$37,034.80
Robyn Michaelson	\$808	0.40	\$323.20
Brian S. Carolus	\$340	19.90	\$6,766.00
Chuck Yeo	\$255	3.90	\$994.50
Totals		194.20	\$125,518.50

11 BR has calculated a blended hourly rate of \$646.34 by dividing the total fees billed by the
12 total number of hours recorded.
1314 The expenses incurred during the period covered by this Application are as follows:
15

Category	Total
Document Management	\$85.44
Travel (Mediation)	\$1,846.67
Total Expenses	\$1,932.11

16 BR requests an order under Bankruptcy Code section 330 approving fees in this case of
17 \$125,518.50 and expenses in the amount of \$1,932.11 for a total of \$127,450.61 for the Application
18 Period of October 1, 2024, through and including January 31, 2025, as reasonable and necessary
19 for the administration of this case.
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VII.

FACTORS TO CONSIDER

The order approving BR's employment authorizes compensation on a basis that would allow payment for services rendered on an hourly rate consistent with the Ninth Circuit decision in *In re Manoa Fin. Co.*, 853 F2d 687 (9th Cir. 1988), after notice to all interested parties. Consistent with the *Manoa* Decision, various factors were suggested by the Court in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), for consideration in awarding compensation in a bankruptcy case. Though not specifically required for approval under the lodestar or *Manoa* case, several of the *Johnson* factors have been specifically codified by the Bankruptcy Reform Act of 1994 and as such, these factors are discussed below:

15 Of note is the fees incurred by Committee insurance counsel in the Roman Catholic Bishop
16 of Oakland case. In this case, Committee special insurance counsel Burns & Bair have according
17 to the Third Interim Fee Application of Burns & Bair as Committee Special Insurance Counsel in
18 the Oakland case (23-40523 at ECF 1403), fees for the period May 1 through August 31, 2024,
19 totaled \$354,208, with a billable hours total of 468.3, and a blended hourly rate of \$756.37. While
20 the Debtor submits the Oakland case may present different issues, these date points are relevant to
21 the applications to approve professional fees in this matter.

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15 As further evidence of the reasonableness of BR's hourly rates, Committee special
16 insurance counsel Burns & Bair's hourly rates for this matter are: \$340 for paralegals, \$550 for
17 associates, and \$900-\$1,120 for partners. See also the hourly rates in the Roman Catholic Bishop
18 of Oakland case noted in (a) above.

(h) Awards in similar cases (11 U.S.C. § 330(a)(3)(F)): The compensation sought by this Application is consistent with that authorized in similar cases.

In addition to the foregoing *Johnson* factors, section 330 also examines whether the services were:

(i) Necessary to the Administration of the Bankruptcy Case (11 U.S.C. § 330(a)(3)(C)): BR respectfully submits that essentially all of BR's services were necessary to the administration of this Case and in total have benefited the estate. BR respectfully submits that as a whole its services were necessary and benefited the Estate.

VIII.

PAYMENTS RECEIVED TO DATE; AVAILABILITY OF FUNDS

This is BR's second interim fee motion. With respect to the Bankruptcy Rule 2016(a) requirements for attorney fee applications, BR has not received any payments to date in this case from any source, other than the Debtor.

Pursuant to the Order Establishing Procedures and Authorizing Payment of Professional Fees and Expenses on a Monthly Basis [ECF No. 212], BR has filed and served a fee notice for the months of October 2024 [ECF No. 915], November 2024 [ECF No. 951], December 2024 [ECF No 966] and January 2025 [ECF No. 1003]. No objections were received with respect to the October, November, and December notices, while the time for objections to the January fee notice has not yet expired. BR has received payments from the Debtor, such that it has been paid 80% of fees and 100% of expenses with respect to the October, November and December fee notices. No payments have yet been received for January 2025 as of the filing of this application. BR has not held a retainer, thus the retainer balance as of January 31, 2025, was \$0.00.

With respect to Bankruptcy Rule 2016(b), Blank Rome, LLP, has not entered into any agreement, express or implied, with any other party-in-interest, including the Debtor, any creditors, or any representative of them, or with any attorney or accountant for such party-in-interest for the purpose of fixing fees or other compensation to be paid for services rendered or expenses incurred in connection with this case, and no agreement or understanding exists between BR and any other

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1 person for the sharing of the compensation to be received for services rendered in, or in connection
2 with, this case.

3 **IX.**

4 **CONCLUSION**

5 Based on all of the above, BR respectfully requests that this Court enter an order granting
6 the relief requested herein, and for such other and further relief as the Court deems necessary and
7 proper.

8 Dated: March 6, 2025

BLANK ROME, LLP

9 By:



Barry Weinstein

Attorneys for The Roman

Catholic Archbishop of San Francisco

10 Dated: March 6, 2025

FELDERSTEIN FITZGERALD WILLOUGHBY
11 PASCUZZI & RIOS LLP

12 By:

/s/ Jason E. Rios

13 Paul J. Pascuzzi

Jason E. Rios

Thomas R. Phinney

Mikayla E. Kutsuris

14 Attorneys for The Roman Catholic
Archbishop of San Francisco

15 Dated: March 6, 2025

SHEPPARD, MULLIN, RICHTER & HAMPTON
16 LLP

17 By:

/s/ Ori Katz

18 Ori Katz

Alan H. Martin

19 Attorneys for The Roman Catholic
Archbishop of San Francisco

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